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7 Attorneys for Defendant

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9  
10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN JOSE DIVISION**

13 CYNTHIA MENDEZ,

14 Plaintiff,

15 vs.

16 MICHAEL J. ASTRUE,  
Commissioner,  
17 Social Security,

18 Defendant.

No. CV 04-01663-RS

STIPULATION AND ORDER  
AWARDING ATTORNEY FEES  
UNDER THE EQUAL ACCESS TO  
JUSTICE ACT (28 U.S.C.  
§ 2412(d)) AND COSTS (28 U.S.C. §  
1920)

19  
20 IT IS HEREBY STIPULATED by and between the parties through their undersigned  
21 counsel, subject to the approval of the Court, that counsel for plaintiff be awarded fees under the  
22 Equal Access to Justice Act (EAJA) in the amount of THREE THOUSAND TWO HUNDRED  
23 DOLLARS (\$3,200) and costs in the amount of ONE HUNDRED SEVENTY-THREE DOLLARS  
24 AND SIXTY-NINE CENTS (\$173.69). This amount represents compensation for all legal services  
25 rendered on behalf of plaintiff by her attorney in connection with this civil action for services  
26 performed before the district court and before the agency following the sentence six remand, in  
27 accordance with 28 U.S.C. §§ 1920 and 2412(d).  
28

This stipulation constitutes a compromise settlement of plaintiff's request for EAJA attorney

1 fees and costs, and does not constitute an admission of liability on the part of defendant under the  
2 EAJA. Payment of THREE THOUSAND TWO HUNDRED dollars (\$3,200) in fees and ONE  
3 HUNDRED SEVENTY-THREE DOLLARS AND SIXTY-NINE CENTS (\$173.69) shall constitute  
4 a complete release from and bar to any and all claims, rights, causes of action, liens or subrogated  
5 interests relating to attorneys fees and costs incurred in this action under EAJA.

6 The settlement of Plaintiff's claim for EAJA attorney fees does not preclude Plaintiff's  
7 counsel from seeking attorney fees under 42 U.S.C. § 406(b) of the Social Security Act, subject to  
8 the offset provisions of the law.

9  
10 Respectfully submitted

11 Dated: April 21, 2007

By: /s/ harvey sackett  
(As authorized via facsimile on April 21, 2007)  
HARVEY SACKETT  
Attorney at Law

13 Attorney for Plaintiff

14  
15 SCOTT N. SCHOOLS  
United States Attorney  
16 LUCILLE GONZALES MEIS  
Regional Chief Counsel

17 Dated: April 11, 2007

18 By: /s/ geraldyn a. gulseth  
GERALYN A. GULSETH  
Special Assistant United States Attorney

19 Attorneys for Defendant

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22 PURSUANT TO STIPULATION, IT IS SO ORDERED:

23  
24 Dated: 4/27/07

Richard Seeborg  
RICHARD SEEBORG  
United States Magistrate Judge